

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:16-00021  
2:08-00070

TIMOTHY LEFTENANT

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On May 3, 2019, the United States of America appeared by C. Haley Bunn, Assistant United States Attorney, and the defendant, Timothy Leftenant, appeared in person and by his counsel, Philip B. Sword, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a 30-month term of supervised release on Count One and a 54-month term on Count Two in Criminal No. 2:08-00070, and a three-year term of supervised release in Criminal No. 2:16-00021, as more fully set forth in the Supervised Release Revocation and Judgment Order entered on October 14, 2016, and the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on October 14, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant left the judicial district, the Southern District of West Virginia, without permission inasmuch as on January 14, 2019, he provided the probation officer with his pay stub indicating he was employed with a company based out of Charlotte, North Carolina, and which listed the defendant's address of residence as being in Charlotte, North Carolina, the defendant having failed to obtain permission from the probation officer or the court; (2) the defendant failed to file monthly reports for September and November, 2018; (3) the defendant failed to truthfully answer the probation officer's questions as set forth in Violation No. 3; and (4) the defendant failed to timely notify the probation officer of his change in residence and employment as set forth in Violation No. 4; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

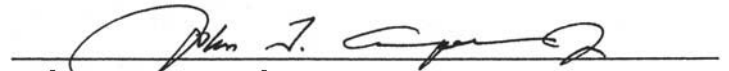
And the court having complied with the requirements of Rule 32(a) (1) (B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THREE (3) MONTHS, imposed as to each of Counts One and Two in Criminal No. 2:08-00070 and in Criminal No. 2:16-00021, all of which is to run concurrently, to be followed by a term of supervised release of twenty-seven (27) months on Count One and fifty-one (51) months on Count Two in Criminal No. 2:08-00070 and thirty-three (33) months in Criminal No. 2:16-00021, all of which is to run concurrently, upon the standard conditions of supervised release now in effect in this district as promulgated

by the Administrative Office of the United States Courts  
(National Form AO 245B) and the standard conditions as set forth  
in Local Rule 32.3.

The defendant was remanded to the custody of the  
United States Marshal.

The Clerk is directed to forward copies of this  
written opinion and order to the defendant, all counsel of  
record, the United States Probation Department, and the United  
States Marshal.

DATED: May 10, 2019

  
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John T. Copenhaver, Jr.  
Senior United States District Judge